

MEMO ENCLOSED

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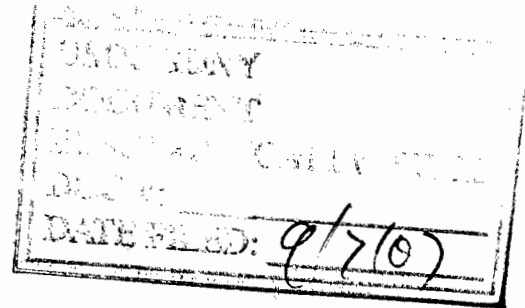
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WIGGIN AND DANA  
*Counsellors at Law*

VIA HAND DELIVERY

August 31, 2007

Hon. John E. Sprizzo  
United States District Judge  
United States District Court  
for the Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Room 730  
New York, NY 10007



Re: Ethan Allen Global, Inc. v. Peoples Americana, Inc., et al. (07-civ-7389)  
(IES)

Dear Judge Sprizzo:

We represent plaintiff Ethan Allen Global, Inc. ("Ethan Allen") in the above-captioned action.

On August 20, 2007, Ethan Allen filed a complaint against defendants Van DeWald, Peoples Americana, Inc., JJ Peoples and Herschel D. Pruitt alleging, *inter alia*, trademark infringement and other violations of the Trademark Laws of the United States, 15 U.S.C. §§1051 et seq. Ethan Allen simultaneously filed a motion for an ex parte temporary restraining order ("TRO") and preliminary injunction to enjoin defendants from misusing the Ethan Allen brand name, and from conducting a "Furniture & Rug Auction" that the defendants advertised using the Ethan Allen brand name.

On August 20, 2007, following a hearing on the plaintiff's motion, Judge Laura T. Swain entered two orders: a TRO; and an Order to Show Cause for Preliminary Injunction ("Order to Show Cause"). Judge Swain scheduled the hearing on the Order to Show Cause for September 5, 2007 ("September 5<sup>th</sup> hearing").

Defendants Van DeWald, Peoples Americana, Inc. and JJ Peoples are negotiating a settlement agreement with Ethan Allen. Although defendant Herschel D. Pruitt is not part of the settlement negotiations, in the event that Ethan Allen and

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the other defendants are able to reach an agreement, Ethan Allen does not intend to continue litigation solely against Mr. Pruitt.

In the interest of judicial economy, we request that the Court postpone the September 5<sup>th</sup> hearing to allow the parties to continue their negotiations, which we expect will result in a settlement agreement. We will notify the Court as soon as any settlement has been reached in this matter.

Very truly yours,

*Scott D. Corrigan/seg*  
Scott D. Corrigan

cc: Thomas J. Kowalski, Esq.

**APPLICATION GRANTED:**

*John E. Sprizzo*  
\_\_\_\_\_  
U.S.D.J.  
9-4-07